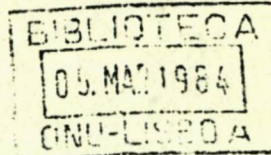


United Nations Press Release

Department of Public Information
Press Section
United Nations, New York

TL 2367-3



HR/2535
24 February 1984

HUMAN RIGHTS COMMISSION CONTINUES REVIEW OF HUMAN RIGHTS VIOLATIONS IN ANY PART OF WORLD

GENEVA, 22 February (UN Information Service) -- The Commission on Human Rights this morning continued debate on its agenda item on the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

Speakers in the debate were the representatives of Morocco and Czechoslovakia.

The Commission also heard statements by the observers of three non-governmental organizations -- Pax Christi, Pax Romana and the International Commission of Jurists.

Representatives of Democratic Kampuchea, Syria, Nicaragua, Cuba, Soviet Union, Afghanistan, El Salvador and the Palestine Liberation Organization (PLO) spoke in exercise of the right of reply.

The Commission will resume debate today at 3 p.m.

Statements Made

ALI SKALLI (Morocco), recalling the context in which the question of Western Sahara should be placed, underlined that the International Court of Justice had confirmed in 1975 that ties of allegiance existed between the Saharian tribes and Morocco at the time of its decolonization.

Negotiations between Morocco and Spain had resulted in the Madrid Agreement of 1975, which specified that the Sahrawi populations had to be consulted on their future, through the intermediary of their representative Assembly called the "Jemaâ", in which all tribes of the territories were represented, he said.

In 1976, the Jemaâ had voted in favour of the return of Western Sahara to Morocco, he said. Nevertheless, the right of Morocco to recover those provinces had been challenged on the basis of the right of peoples to self-determination. But Morocco believed it had fulfilled its obligations by allowing the Sahrawi population the possibility of expressing its will through the Jemaâ.

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Amnesty International had also expressed great concern at the persistent reports of torture, mass arrests and executions of detainees of East Timorese, he said. Furthermore, the concentration of peoples in resettlement areas, away from their land, represented a radical restructuring of the Timorese society. The psychological and cultural impact on the Timorese had been shattering.

He said the rights and aspirations of the East Timorese people to self-determination were non-negotiable and had to be upheld, and the Indonesian invasion of East Timor contravened the provisions of the Charter and international law.

He urged the countries which had not yet done so, to reconsider their position and commit themselves in support of the East Timorese.

MIALL MacDERMOT, representative of the International Commission of Jurists, said the right to self-determination could be exercised only by holding fair and free elections by the people concerned. When that possibility was denied, the people concerned might legitimately "be compelled to resort to rebellion against tyranny and oppression".

Another question arose when a legitimate Government was overthrown by a military coup, he said. At times, such a coup might be welcomed by the people and acquire thereby a certain legitimacy. However, the act itself of a seizure of power by a country's military forces could hardly be considered an exercise of the right to self-determination.

There could be no dispute that external aggression by another Power in order to overthrow a Government it disapproved, and to establish or help establish a Government that it found more sympathetic, was unlawful, he stated. That was a violation not only of the right to self-determination but also of the legal obligation under the Charter to refrain from the use or threat of force in international relations.

That was done, for example, by Israel in the case of its attack on the nuclear plant in Iraq, and its invasion of Lebanon, he said. It had relied upon the discredited and invalid doctrine of anticipatory defence. The recent invasion of Grenada by United States forces and the Vietnamese invasion of Kamouchea were also cases in which justification was sought in anticipatory defence.

The doctrine of humanitarian intervention was now discredited, and rightly so, he said. An analysis of those acts had shown that the countries involved were motivated far more by their own interests or ambitions than by humanitarian concerns.

Another justification sometimes advanced was that the intervening State was sending its forces at the request of the Government concerned. That was hardly the case when the Soviet Union sent its forces into Afghanistan, he said. The Government which had invited the Soviet Union to assist it was the Government which came to power as a result of the intervention and not the Government which was displaced.

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